



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

3601 W. Washington • Yakima, Washington 98903-1164 • (509) 575-2800

July 13, 1994

Olsen Brothers
Route 2 Box 2400
Prosser WA 99350-9615

Re: 2nd Amended Emergency Drought Authorization under Application
No. G4-31344 (additional legal description)

In accordance with the provisions of RCW 43.83B.405, on May 12, 1994, it was ordered and determined by the Director of the Department of Ecology that the Yakima River basin is under drought conditions. In accordance with the provisions of WAC 173-166-060, the Washington State Department of Ecology is under the terms of this Order, issuing an EMERGENCY DROUGHT PERMIT. This authorization is conditioned by the following provisions and limitations:

1. The initiation date of this EMERGENCY PERMIT is May 20, 1994.

This EMERGENCY PERMIT will terminate on or before December 1, 1994, unless sooner revoked by the Director of the Department of Ecology. **THIS AUTHORIZATION SHALL IN NO MANNER BE CONSTRUED TO GUARANTEE OR IMPLY THAT A FINAL (REGULAR) PERMIT WILL ISSUE FOR THE FUTURE USE OF THE FACILITY HEREIN AUTHORIZED.**

2. The well is an existing well located approximately 1400 feet west and 100 feet south from the E $\frac{1}{4}$ corner of Section 26, being within the N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 26, T. 10 N., R. 26 E.W.M. This permit does not authorize any modification to the existing well.
3. The following well construction requirements must be satisfied before water use as described below can be started:

For the purpose of making water level measurements, installation and maintenance of an access port as described in Ground Water Bulletin No. 1 is required. An air line and gage are also required when the well has a static water level greater than 100 feet below land surface. The air line shall be constructed of 1/4 inch minimum diameter galvanized steel pipe, or comparable material if pre-approved by the department. The air line shall be equipped with a standard tire (Schrader) valve. Distance from land surface to the bottom end of the air line shall be clearly posted at the well site, accurate to 0.5 feet or less. The air line, access port, and all well equipment shall be installed and maintained to provide access for measurement of water levels.

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All water wells constructed within the state shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 (Washington Water Well Construction Act of 1971) and Chapter 173-160 WAC (Minimum Standards for Construction and Maintenance of Water Wells).

4. A suitable flow meter approved by the Department of Ecology shall be installed and maintained in accordance with WAC 508-64-020 through WAC 508-64-040. (Installation, operation and maintenance requirements attached hereto.)

Whenever water is being diverted, bi-weekly (every two weeks) readings of the flow meter shall be recorded and maintained by the permittee. These readings shall be documented by time, date, withdrawal rate, and the person conducting the measurements. Copies of these records shall be submitted to the Department of Ecology at the end of the 1994 irrigation season.

5. The quantity of water to be withdrawn is limited to 500 gpm and 209.2 acre-feet per year. This is based upon the instantaneous quantity requested in the application and an annual quantity of 0.8 acre-feet per acre.
6. Water is to be used for supplemental irrigation of 261.5 acres from May 15 to December 1, 1994. The place of use is described as follows:

Parcel A

The E $\frac{1}{2}$ SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ lying easterly of Main Roza Canal, less 2.51 feet for road, in Section 27, T. 10 N., R. 26 E.W.M.

Parcel B

That portion of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ described as follows: Beginning at the southeast corner of said subdivision; thence N 70° W to a portion on the southeasterly right of way line of Roza Main Canal; thence southerly and westerly along said right of way to the south line of said NW $\frac{1}{4}$ SE $\frac{1}{4}$; thence east along said south line to the point of beginning, in Section 27. T. 10 N., R. 26 E.W.M.

Parcel C

The SW $\frac{1}{4}$ and the W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 26, T. 10 N., R. 26 E.W.M.

EXCEPT that portion beginning at the southeast corner of said W $\frac{1}{2}$; thence N 03°56'53" W along the east line of said W $\frac{1}{2}$ a distance of 1252.18 feet to the True Point of Beginning; thence S 86°44'18" W a distance of 715.46 feet; thence N 09°11'19" E a distance of 382.16 feet; thence N 04°09'49" W a distance of 504.31 feet; thence N 35°01'11" W a distance of 504.49 feet to a point on the north line of said SE $\frac{1}{4}$; thence N 84°36'17" E along said north line a distance of 891.11 feet to the

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northeast corner of said $W\frac{1}{2}$; thence S $03^{\circ}56'53''$ E along the east line of said $W\frac{1}{2}$ a distance of 1339.65 feet to the True Point of Beginning.

AND EXCEPT that portion of the $SE\frac{1}{4}$ beginning at the southeast corner of said $W\frac{1}{2}$ being the True Point of Beginning; thence S $86^{\circ}44'18''$ W along the south line of said Section a distance of 412.12 feet; thence N $33^{\circ}36'09''$ W a distance of 58.62 feet; thence N $61^{\circ}22'08''$ W a distance of 94.28 feet; thence N $55^{\circ}09'47''$ W a distance of 50.11 feet; thence N $50^{\circ}42'17''$ W a distance of 50.18 feet; thence N $45^{\circ}34'30''$ W a distance of 31.11 feet; thence N $38^{\circ}26'41''$ W a distance of 234.35 feet; thence N $36^{\circ}30'13''$ W a distance of 48.68 feet; thence N $32^{\circ}23'30''$ W a distance of 50.14 feet; thence N $23^{\circ}00'29''$ W a distance of 50.20 feet; thence N $15^{\circ}54'48''$ W a distance of 49.37 feet; thence N $06^{\circ}02'41''$ W a distance of 40.82 feet; thence N $07^{\circ}44'44''$ E a distance of 50.25 feet; thence N $06^{\circ}31'01''$ W a distance of 137.19 feet; thence N $09^{\circ}11'19''$ E a distance of 476.49 feet; thence N $86^{\circ}44'18''$ E a distance of 715.46 feet to a point on the east line of said $W\frac{1}{2}$, thence S $03^{\circ}56'53''$ E along said east line a distance of 1252.18 feet to the True Point of Beginning.

AND EXCEPT that portion of Section 26 as described as follows: the southwest corner of said Section 26 being the True Point of Beginning; thence N $10^{\circ}57'45''$ W along the west line of said Section a distance of 907.66 feet; thence S $89^{\circ}07'49''$ E as distance of 304.96 feet; thence S $49^{\circ}44'11''$ E a distance of 1273.55 feet to a point on the south line of said Section 26; thence S $86^{\circ}42'55''$ W along said south line a distance of 1105.95 feet to the True Point of Beginning; ALL in Section 26, T. 10 N., R. 26 E.W.M., in Benton County, Washington.

Parcel D

That portion of the $NE\frac{1}{4}NW\frac{1}{4}$ of Section 35, T. 10 N., R. 26 E.W.M., described as follows: Beginning at the northeast corner of said subdivision; thence S $90^{\circ}00'$ W along the north line of said subdivision 806 feet to the True Point of Beginning; thence N $90^{\circ}00'$ E 188 feet; thence S $0^{\circ}25'$ W 291 feet; thence S $89^{\circ}30'$ W 141 feet; thence northwesterly 310.5 feet; more or less, to the True Point of Beginning. AND an easement for road purposes over and across presently existing road along the east side of said Section 35.

AND the $W\frac{1}{2}NW\frac{1}{4}$ and the $N\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$, Section 35, T. 10 N., R. 26 E.W.M., Benton County, Washington; EXCEPT that portion of the $NW\frac{1}{4}NW\frac{1}{4}$ described as follows:

Beginning at the NW corner of said Section 35; thence S $89^{\circ}53'53''$ E along the north line of said section a distance of 196.57 feet; thence S $40^{\circ}37'27''$ E a distance of 597.87 feet; thence S $88^{\circ}10'01''$ W a distance of 586.17 feet to a point on the West line of said Section 35; thence N $00^{\circ}00'13''$ E along said West line a distance of 472.88 feet to the point of

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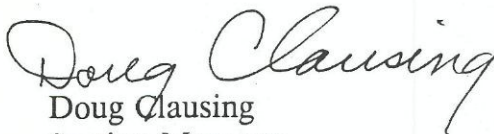
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beginning; AND EXCEPT that portion of the W½NW¼ lying Northerly and Easterly of the following described line; Beginning at the Northwest corner of said Section 35; thence S 0°23'46" E along the West line of said Section 35 a distance of 860.83 feet to the True Point of Beginning; thence N 84°58'55" E a distance of 766.55 feet; thence S 66°56'44" E a distance of 150.83 feet; thence S 25°28'53" E a distance of 795.78 feet to a point on the South line of the N½N½SW¼ of the NW¼ and the terminus of said line.

7. The irrigation water herein authorized to be withdrawn is supplemental to water made available under primary rights by the Roza Irrigation District. The only water herein permitted for withdrawal is water necessary to alleviate hardships and reduce burdens on water users arising from drought conditions. This amount shall not exceed 0.8 acre-feet per year per acre.
8. Withdrawal of water under this right may be limited or otherwise regulated in favor of senior rights.

You have the right to obtain review of this order. Request for review must be made, within thirty (30) days of receipt of this order, to the Washington Pollution Control Hearings Board, PO Box 40903, Olympia, Washington 98504-0903. Concurrently, a copy of the request must be sent to the Department of Ecology, PO Box 47600, Olympia, Washington 98504-7600. These procedures are consistent with the provisions of Chapter 43.21B RCW and the rules and regulations adopted thereunder.

Sincerely,



Doug Clausing
Section Manager
Water Resources Program

DC:gh
940567.wr4

cc: Yakama Indian Nation
Dale Bambrick
Wendell Hannigan